

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>DEVIN KILPATRICK, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>7:03CV5017</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>PAT KING, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

This matter is before the court on the defendants' motion for clarification (Filing No. 218); the plaintiffs' motion to compel (Filing No. 220) and the plaintiffs' motion to strike (Filing No. 221). The defendants seek clarification about when they must respond to the plaintiffs' November 2, 2005 motion to compel (Filing No. 208). When filing the November 2, 2005 motion to compel, the plaintiffs sought additional time to file an index of evidence, which time was granted. Additionally, the defendants sought and were granted "twenty (20) days after the plaintiffs file a brief and supplemental index of evidence in support of the plaintiffs' motion to compel (Filing No. 208) to respond to the motion to compel." **See** Filing No. 212. The plaintiffs filed the index of evidence, but did not file a brief. On December 14, 2005, the plaintiffs filed another "motion" but seek to have it stricken as it contains the wrong caption. On the same date, the plaintiffs filed the brief which relates to the November 2, 2005 motion to compel. The plaintiffs do not oppose the response time sought by the defendants and the defendants do not oppose the timing of the plaintiffs' brief. Accordingly,

**IT IS ORDERED:**

1. The motion for clarification (Filing No. 218) is granted. The defendants shall have to **on or before January 3, 2006**, to respond to the plaintiffs' motion to compel (Filing No. 208).

2. The plaintiffs' motion to strike (Filing No. 221) is granted. The Clerk of Court shall strike the plaintiffs' motion to compel (Filing No. 220).

DATED this 14th day of December, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge